

June 16, 2005

ELECTRONIC DELIVERY

Mr. David Maul
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5504

Re: Docket No. 05-LNG-1

Dear Mr. Maul:

I am submitting comments on the California Energy Commission Workshop on LNG, Docket No. 05-LNG-1. At workshops held June 1 and 2 there was a discussion of the authority of a governor of an adjoining state to approve, disapprove or to request conditions for the approval of a project and under what circumstance those conditions would be appropriate under the Deepwater Ports Act (DWPA).

Section 1508(b)(1) of the DWPA (33 USCS §1508) states that no later than 45 days after the last public hearing on the application, the governor of an adjacent state may transmit his/her approval or disapproval to the Secretary of Transportation. If the governor believes a condition is appropriate, he/she must notify the Secretary that the application is inconsistent with state programs relating to environmental protection, land and water use, and coastal zone management. The Secretary is then required to condition the license so as to make it consistent with such state programs. Therefore, the governor must find that the application is inconsistent with an *existing* state program in one of these areas in order to request that a condition be added. The DWPA does not give the governor of an adjacent state unfettered discretion to add any condition to the deepwater port license.

Thank you for your consideration of these comments.

Sincerely,



Fred Main

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